

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**XAVIER VILARO, MYRNA CANO AND
THE CONJUGAL PARTNERSHIP
COMPOSED BY THEM**

Plaintiffs,

v.,

SONIC CAVITATION LIMITED; et al.

Defendants.

Civil No. 16-cv-02059 (FAB)

BREACH OF CONTRACT

**MOTION FOR EXTENSION OF TIME TO TIME TO ANSWER COMPLAINT
OR OTHERWISE PLEAD**

TO THE HONORABLE COURT:

COMES NOW, Defendant **Xylem, Inc.** (“Xylem”), without submitting itself to the jurisdiction or venue of this Court nor waiving any defense, and through the undersigned attorneys, and respectfully states and prays as follows.

1. On or about January 15, 2016, the Plaintiffs, Xavier Vilaró, Myrna Cano, and the Conjugal Partnership established between them (hereinafter the “Plaintiffs”) filed a Complaint against Sonic Cavitation Limited, Sonic Cavitation, LLC, Xylem Inc., Total Machine Solutions, LLC, Wildcat Engineering, Inc., Corporation X, Corporation Y, and John Doe in the Court of First Instance of Puerto Rico, San Juan Part.

2. Upon information or belief, Plaintiffs served Xylem on or about May 10, 2016. Xylem is still investigating whether or not said service was proper and in accordance with the applicable law.

3. On June 9, 2016, Xylem filed a Notice of Removal before this Court. See, Docket No. 1. On June 10, 2016, Xylem notified the Court of First Instance of Puerto Rico, San Juan Part. See, Docket No. 5.

4. Pursuant to Rule 81 of the Federal Rules of Civil Procedure (“Fed.R.Civ.P.”), Xylem must file its responsive pleading on the later of 21 days after being served with the summons or 7 days after the notice of removal is filed. See, Fed.R.Civ.P. 81(c)(2(A)-(C). Therefore, if properly served, Xylem would have until today, June 16, 2016, to plead or otherwise respond.

5. Pursuant to Local Rule 6, the Clerk of the Court is authorized to grant a first extension of time, “provided it does not encompass a period not to exceed thirty days”.

6. Accordingly, Xylem respectfully requests a first extension of time of 30 days, that is, until July 18, 2016, to answer the Complaint or otherwise plead.

WHEREFORE, it is respectfully requested that this Honorable Court grant the instant motion and allow Xylem up until and including July 18, 2016 to answer the Complaint or otherwise plead.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of June, 2016.

I HEREBY CERTIFY that, on this same date the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notification to all attorneys of record.

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